

## NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 05/01/2001  
Departmental Forms Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6086  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 04/24/2001.

TITLE: Northeast Region Red Crab Authorization and Notification

AGENCY FORM NUMBER(S): None

ACTION : APPROVED

OMB NO.: 0648-0438

EXPIRATION DATE: 09/30/2001

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	0	0	0
New	20	1	0
Difference	20	1	0
Program Change		1	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated  5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No  6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)

Signature

*William T. Fitzgerald*

Date

*4/6/01*

Signature of NOAA Clearance Officer

Signature

*Richard Robert*

Date

*4/6/01*

## **SUPPORTING STATEMENT NORTHEAST REGION RED CRAB AUTHORIZATION AND NOTIFICATION**

### **Introduction**

This submission requests approval for requirements that will later be merged with the Office of Management and Budget (OMB) approval for Northeast Region Permits (OMB Control No. 0648-0202).

The National Marine Fisheries Service (NMFS) is proposing an emergency action for the deep-sea red crab (*Chaceon quinquedens*) fishery to prevent overfishing in this fishery. The proposed measures include a requirement for vessels intending to fish for deep-sea red crab to obtain a Letter of Authorization (LOA). In addition, this submission extends observer requirements to the deep-sea red crab fishery.

### **A. JUSTIFICATION**

#### **1. Explain the circumstances that make the collection of information necessary.**

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) the Secretary of Commerce (Secretary) has responsibility for the conservation and management of marine fishery resources off the coast of the United States. The majority of this responsibility has been delegated to the National Oceanic and Atmospheric Administration (NOAA)/NMFS.

The Secretary was given certain regulatory authorities to ensure that these resources are utilized in the most beneficial manner. The requirement of a permit for users of these resources is one of the regulatory steps taken to carry out conservation and management objectives. Section 303 (b)(1) of the Magnuson-Stevens Act specifically addresses the need for permit issuance. In addition, almost every international, Federal, state and local fishery management authority recognizes the value and use of permits as part of their respective management systems. Thus, the Secretary has promulgated rules for the issuance of Federal Fisheries Permits.

The issuance of a permit is an essential part of managing fishery resources. The purpose and use of permits is to: (1) vessel owners, vessel operators, fishing vessels, fish dealers and processors; (2) list the characteristics of fishing vessels and/or dealer/processor operations; (3) exercise influence over compliance (e.g. withhold permit issuance pending collection of unpaid penalties); (4) provide a mailing list for the dissemination of important information to the industry; (5) register participants to be considered for limited entry; and (6) provide a universe for data collection samples. LOA's are necessary to control fishing effort by managing the number of participants in a fishery.

The permit system is an integral part of the management of fisheries in the Northeast Region of NMFS. The proposed emergency action regulations for the deep-sea red crab fishery will include this new collection.. It would not be possible to carry out the mandates of the Magnuson-Stevens Act and other laws if approval to issue this collection was to be denied.

## **LOA Program**

There are several programs authorized to the holders of Federal permits, such as exempted fisheries and vessel monitoring. Several Northeast Region Fishery Management Plans (FMP) allow exemptions from the regulations for fisheries conducted in a manner already consistent with the goals and objectives of the FMP. The purpose of fishery exemptions is to allow vessels to conduct fisheries that might otherwise be restricted. Because exemptions provide alternatives to the often depressed fisheries managed under a FMP, LOAs are often required to ensure compliance and consistency with the purpose of the exemption. LOAs provide a list of participants, their period of participation, and assist the agency in compliance monitoring. LOAs also serve to resolve confusion and delay caused when a vessel in an authorized exemption program is boarded by enforcement officers to determine whether or not the vessel is fishing illegally.

This collection will contain a requirement for any vessel of the United States to have been issued and have on board a valid LOA from the Northeast Regional Administrator to fish for, catch, possess, transport, land, or process at sea greater than 100 pounds of red crab in or from the EEZ in U.S. waters of the western Atlantic Ocean from 35 deg.15.3' N. Lat., the latitude of Cape Hatteras Light, North Carolina, northward to the U.S.-Canada border. For non-red crab directed trips, an incidental catch limit of 100 pounds of whole, live red crab will be established for the emergency action for vessels fishing without a LOA.

For admittance into this LOA program, the entrant will be required to notify NMFS of intent to participate. The required information is generally collected verbally through either a telephone call or in person, and no physical application is actually completed. These LOAs are to be kept on board the vessel during the extent of program participation in order to verify enrollment in the program.

The information collected for participation in LOA program consists of vessel owner name, mailing address, vessel name, and participation period.

## **Observer Requirements**

Any vessel holding an LOA for deep-sea red crab may be requested to carry a NMFS-approved observer or sea sampler. Such requests are made at the discretion of the Regional Administrator for the purpose of monitoring fishing activities, collection of data and compliance as stated under §648.11. Coverage is intermittent and occurs on less than 1 percent of all fishing trips. Owners of selected vessels are required to call to arrange deployment of observers on their vessels. Requests for observer coverage are made from the list of LOA holders for those fishing for deep-sea red crab.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used**

The information will be used by several offices of NMFS and the U.S. Coast Guard.

The data collected through these programs will be incorporated into the NMFS databases. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals. Individual permit information will be required, however, for law enforcement or notification programs. Notification information will be used to assign vessel observers.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

This proposal reporting is by telephone, the least burdensome method available.

**4. Describe efforts to identify duplication.**

NMFS is aware of all related fishery management activities, and these requirements do not duplicate any in existence.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

Most of the respondents qualify as small businesses. Only the minimum data needed to monitor compliance with regulations are requested from all respondents.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

No. The consequences of not conducting the collection of information described above would be immense. This collection of information is necessary for a variety of reasons, from monitoring fishing effort to collecting valuable fishery information. Furthermore, reducing the frequency of collection would also compromise the ability to monitor vessel activities, in turn affecting the enforcement of management measures.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

The data collection is consistent with OMB guidelines.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The New England Fishery Management Council held many Council and Deep-sea Red Crab Oversight Committee meetings at which there was a public discussion of monitoring requirements. Experience with various programs, some of which have been operating since 1981, provides continual feedback to NMFS on issues and concerns of the applicants. The emergency action will include a comment period once submitted. A Federal Register notice has been published to solicit public comment on this submission.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payment or gift will be made to respondents.

**10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

All data will be kept confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e. vessel name, owner, etc.)

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no questions of a sensitive nature.

**12. Provide an estimate in hours of the burden of the collection of information.**

Between 1997- 2000, there were five vessels that reported landings of deep-sea red crab. Four vessels landed an average of less than 65,000 lb. per trip and only one vessel had any trips that they caught more than 65,000 lb. of deep-sea red crab. The number of vessels reporting landings may increase with the addition of mandatory reporting requirements and the expansion of the fishery. For the purpose of this analysis, the number of vessels reporting deep-sea red crab landings is assumed to double to 10 vessels. It is difficult to completely estimate the burden associated with the LOA program since the frequency of participation will be determined entirely by the vessel owner. Owners



or operators of vessels seeking to participate in the deep-sea red crab fishery must request a LOA from the Regional Administrator. The estimated time required to request a LOA is 5 minutes. Approximately 10 vessels are estimated to participate in the deep-sea red crab fishery.

The cost calculations for the permit family of forms assume an average wage and overhead cost for respondents of \$15/hour.

Generally, there are approximately 150 observer deployments requested annually for all federally-permitted vessels in the Northeast Region. Owners of selected vessels are required to call and arrange deployment of observers on their vessels. Calls for observer deployments to deep-sea red crab vessels are estimated to take 2 minutes each. Availability of observers is considered the limiting factor in the extent of coverage for this program. If all deep-sea red crab vessels were required by NMFS to have observers, then there would be 10 observer deployments.

The burden hour estimates and costs for this collection of information are summarized in Table 1.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.**

The only costs to the public are for the phone calls or to mail a LOA request. With only 20 responses to the requirements, total costs should be \$20 or less.

**14. Provide estimates of annualized cost to the Federal government.**

The following information is summarized in Table 1.

Estimated annualized costs to the Federal Government assumes that the average cost for issuance of a LOA reflects the time associated with filing and entry and exit notice. The costs associated with the LOA program is estimated at \$25/hour to the government. Since there are 10 vessels estimated to participate in the deep-sea red crab fishery, the costs for issuing the LOAs will be \$20.83.

The cost calculations for observer deployment are based on \$25/wage and overhead value for the government.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

These are new requirements.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States, which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only. Data are available to NMFS employees in detailed form on a need-to-know basis only.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

N/A.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

No statistical methods are employed in the information collection procedures; the requirements are mandatory for participants in the deep-sea red crab fishery.

<b>Table 1: Burden and Cost estimates for the Public and the Government</b>							
Requirement	Number of Entities	Items per Entity	Total Number of Items	Response Time	Total Burden	Cost to Public (1)	Cost to Government (2)
Deep-Sea Red Crab LOA:	10	1	10	0.083	0.83	\$12.45	\$20.75
Observer Deployment:	10	1	10	0.033	0.33	\$4.95	\$8.25
Total			20		1.16	\$17.40	\$29

(1) Assumed to be \$15 per hour

(2) Assumed to be \$25 per hour

**SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853**

**95-354, 99-659, 101-627, 104-297**

**(a) REQUIRED PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to,

information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

**(b) DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]\* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]\*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297